

FORM SUMMARY

Name of Form: **Application and Order Concerning Circuit Court Commissioner Duties In Probate Matters**

Form Number: **GF-163**

Statutory Reference: SCR 75.02(4) and Wis. Stats. §851.73(1) & (2)

Benchbook Reference:

Purpose of Form: To apply to the chief judge to authorize a register in probate or deputy register in probate to exercise the powers of a probate court commissioner and to give that authorization.

Who Completes It: Circuit court judge making the application and chief judge making the authorization.

Distribution of Form: Original to clerk of court, copies to circuit court judge, chief judge, and register in probate or deputy register in probate.

Accompanying Forms: None.

New Form/Modification: Modification; last update 11/99.

Modifications: To comply with 2001 Wisconsin Act 61, updated statute reference and modified to include deputy register in probate.

Comments: Wis. Stat. 757.71(5) has been repealed. It has been replaced by Wis. Stat. 851.73(1)(2) which defines the powers of the register in probate. Subsection (2) of 851.73 grants the powers of the register in probate to a deputy register in probate.

SCR 75 creates a procedure for the chief judge of a district to appoint a register in probate "to perform the duties of a circuit court commissioner in probate matters." SCR 75 will be amended to allow for the same appointment to apply to a deputy register in probate.

RCM believes that the appointment of a register or deputy register as a commissioner in probate matters does not authorize the register or deputy register to act as a circuit court commissioner or supplemental court commissioner in matters outside of probate.

RMC believes that the reporting, performance evaluation, continuing education and complaint/discipline requirements in

SCR 70 and SCR 75 do not apply to registers and deputy registers appointed as commissioners in probate matters.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.